

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY J. KITZMILLER, et al. §
Plaintiffs, § Civil Action No. 4:04-CV-2688
§
v. §
§ Hon. John E. Jones III
DOVER AREA SCHOOL §
DISTRICT and DOVER AREA §
SCHOOL DISTRICT BOARD §
OF DIRECTORS, §
Defendants, §
§
FOUNDATION FOR THOUGHT §
AND ETHICS, §
Applicant for Intervention §

AFFIDAVIT OF LEONARD G. BROWN, III

COMMONWEALTH OF PENNSYLVANIA §

COUNTY OF LANCASTER §

BEFORE ME, the undersigned authority, on this day personally appeared Leonard G. Brown, III, known to me and after being duly sworn, according to law, upon his oath stated as follows:

1. My name is Leonard G. Brown, III. I am over twenty-one years of age. I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein and all such facts are true and correct.

2. I am shareholder with the law firm of Clymer & Musser, P.C.
3. Clymer & Musser, P.C. was retained by the Discovery Institute to serve as its counsel and counsel for its fellows with respect to any matters in which they requested litigation assistance.
4. Among other things, Discovery Institute and a number of its fellows requested our representation with respect to expert depositions in which they were involved in the above captioned matter.
5. I notified counsel for plaintiffs and defendants of our representation and notified them that an attorney would be present for such depositions.
6. I traveled to Memphis, Tennessee on June 1, 2005, to assist Dr. John A. Campbell in his preparation for deposition the following day.
7. Attorneys for the Thomas More Law Center informed me and Dr. Campbell on June 2, 2005, that, due to his desire to have private counsel, he was terminated as their expert. There was no explanation given for such termination.

8. Dr. Campbell did not withdraw from being an expert. On June 2, 2005, Dr. Campbell was prepared to be deposed and offered to be deposed so long as he had the benefit of private counsel, and but for his termination by Thomas More, he would have been deposed.
9. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have read the foregoing Affidavit and the factual allegations thereof and that to the best of my knowledge the facts alleged therein are true and correct.



LEONARD G. BROWN, III

SWORN AND SUBSCRIBED TO before me this 20th day of June, 2005, to certify which witness my hand and official seal.



REBEKAH E. PETERS
Notary Public

My commission expires:

